

# **Exhibit 212**

Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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)  
CF 135 FLAT LLC, CF 135 )  
WEST MEMBERS LLC )  
and THE CHETRIT GROUP, LLC, )  
 ) Case No.  
 ) 15-cv-05345-AJN  
 )  
 ) Interpleader Plaintiffs, )  
 )  
 ) -against- )  
TRIADOU SPV S.A., CITY OF ALMATY,)  
a foreign city, and BTA Bank, ) AMENDED CROSS-  
 ) CLAIMS  
 ) Interpleader Defendants. )  
 )  
 )  
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)  
CITY OF ALMATY, KAZAKHSTAN )  
and BTA BANK, )  
)  
Crossclaim Plaintiffs,)  
)  
)  
-against- )  
)  
MUKHTAR ABLYAZOV, )  
VIKTOR KHRAPUNOV, )  
ILYAS KHRAPUNOV, )  
TRIADOU SPV S.A., )  
and FBME BANK LTD., )  
)  
Crossclaim Defendants.)  
)  
)  
-----)

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION  
of  
MR. NICOLAS BOURG (DAY TWO)  
On Tuesday, 12th September 2017

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2 MR. SKINNER: Objection.

3 BY MR. HASSID:

4 Q. Let me strike that and rephrase.

5 THE INTERPRETER: Yes.

6 Q. Do you wish to change this  
7 testimony as well?

8 MR. SKINNER: Objection.

9 A. (Through the Interpreter) Why, "As  
10 well"?

11 BY MR. HASSID:

12 Q. You changed your -- you said -- you  
13 clarified your May 2nd declaration; correct?

14 MR. SKINNER: Objection.

15 A. No, we spoke about this matter and  
16 there was a slight confusion about dates, that's  
17 all. No, Ilyas wanted to sell his US interests in  
18 Triadou to Chetrit, because he was frightened of  
19 the Californian lawsuit. I mean, I stick by that.  
20 Perhaps there is some confusion about dates, exact  
21 dates, but that is the gist of it.

22 BY MR. HASSID:

23 Q. So then, and thank you for  
24 clarifying, is it fair to say that you are telling  
25 me here that in paragraphs 25 and 26 there is

1

2 similar confusion about dates?

3 A. No, I think in the first  
4 declaration I was focusing on the details of the  
5 events and there may be a few minor details to put  
6 right but to all intents and purposes the message,  
7 the main message, is the same.

8 Q. Right, but I'm -- I'm sorry, were  
9 you not finished?

10 A. That is fine.

11 Q. I was about the March 2016  
12 declaration, the document in front of you.  
13 Specifically, I just want to know if you think  
14 paragraphs 25 and 26, as you wrote them, are  
15 accurate?

16 MR. WOLF: Why don't you just read  
17 them quickly, they're short, and then I think  
18 you'll perhaps understand the question better.  
19 (Pause for reading).

20 A. The correction which had been made  
21 is in paragraph 26 on the date of the instruction  
22 to sell.

23 BY MR. HASSID:

24 Q. So the same correction as you made  
25 with the other declaration ----

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2 precise at the moment, I am sorry. At noon, I can  
3 give you a better update. Do you need to take a  
4 break for any reason Mr. Bourg?

5 THE WITNESS: (Through the  
6 Interpreter) No, I just wanted to know how things  
7 were organised, that is all. It is just that at  
8 the end of yesterday's meeting I was told that you  
9 had one and a half hours still to go.

10 BY MR. HASSID: We were talking  
11 about specific time allocation, not in terms of  
12 the amount of time left on allocation. It is a  
13 separate issue, but no, unfortunately, I have a  
14 little more than that.

15 THE WITNESS: Not unfortunate ----

16 MR. HASSID: Thank you. I like  
17 talking to you too!

18 MR. WOLF: He is beginning to like  
19 you!

20 BY MR. HASSID:

21 Q. This document, if you can just,  
22 I know there is an exhibit cover page, two of  
23 them, but do you recognise the agreement that  
24 starts on the third page?

25

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2 A. (Through the Interpreter) Yes.

3 Q. What is it?

4 A. This is the sales contract from  
5 Triadou to Chetrit about the two projects, the  
6 Flatotel and Cabrini.

7 Q. Wait, this is about Cabrini too?

8 A. Yes.

9 Q. Mr. Bourg, just I would suggest  
10 taking a moment and reading what is under  
11 "Witnesseth" the "Whereas clauses" just to see if  
12 that refreshes your recollection that this  
13 pertains only to the Flatotel?

14 MR. KENNEY: Could he just read the  
15 agreement, the first paragraph?

16 MR. HASSID: That is true, or the  
17 first paragraph if you like.

18 A. It is only on Flatotel.

19 BY MR. HASSID:

20 Q. Okay and what's the date of this  
21 document you see at the top?

22 A. 4th August 2014.

23 Q. That is about three months after  
24 that letter of intent we just looked at.

25 THE WITNESS: Oui.

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2 Q. I would like to draw your attention  
3 down to section 1. This is talking about the  
4 purchase price of Triadou's interest; correct?

5 MR. WOLF: Just take a moment to  
6 read it. If you want to read section 1 since the  
7 question is on section 1.

8 MR. HASSID: If it will help  
9 counsel, I plan to walk him through everything and  
10 read stuff into the record so it might save time  
11 if ----

12 MR. WOLF: I appreciate that but  
13 I think he ought to be familiar with the document,  
14 that may facilitate it.

15 BY MR. HASSID:

16 Q. Well, then in that case, Mr. Bourg,  
17 please read 1A first.

18 THE WITNESS: Okay. (Pause for  
19 reading).

20 A. (Through the Interpreter) Yes, I'm  
21 ready.

22 Q. Mr. Bourg, you see that that  
23 paragraph -- because you read it I'm not going to  
24 read it to you, but you see the paragraph reads  
25 "Happy Family and Landscape". We discussed those

1

2 transactions yesterday; correct?

3 A. Yes.

4 Q. In this paragraph, it says: "The  
5 sum of \$6 million heretofore paid by the Chetrit  
6 Group in connection with those investments."

7 A. Yes.

8 Q. Did Mr. Chetrit actually invest \$6  
9 million in those projects?

10 A. No.

11 Q. How much did he actually invest?

12 A. 4.5 as far as -- 4.6 or 4.7, as far  
13 as I know.

14 Q. Who negotiated this document, this  
15 agreement, Mr. Bourg?

16 A. Myself, Krasnov and Ilyas  
17 Khrapunov.

18 Q. Did you know at the time that you  
19 were negotiating this that Mr. Chetrit had  
20 invested less than \$6 million in Happy Family and  
21 Landscape?

22 A. Yes, everyone knew that.

23 Q. When you say "everyone", who do you  
24 mean?

25 A. Krasnov and Khrapunov.

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2 rephrase it for you. Did you ever tell the  
3 Chetrit Group or Joseph Chetrit that it did not  
4 have any obligations under this paragraph?

5 A. I don't understand the question,  
6 I'm sorry.

7 Q. I think you testified before that  
8 the Chetrits invested 4.6 or 4.7 million, to your  
9 recollection, in connection with Happy Family and  
10 Landscape; correct?

11 A. Yes.

12 Q. And this document transferred that  
13 interest, that value, to Triadou; correct?

14 MR. SKINNER: Objection.

15 A. I don't know. I would have to read  
16 the whole document. I don't know if we think it  
17 does talk, this document, about the transfer of  
18 interest to Triadou, rather it explains how the 26  
19 million are going to be paid.

20 BY MR. HASSID:

21 Q. So, it's your understanding that  
22 Chetrit was given \$6 million for investments in  
23 Happy Family and Landscape, and Triadou was -- and  
24 those investments were made with Niel; right?

25 That's correct?

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2 THE WITNESS: Oui.

3                   A.           (Through the Interpreter) but it's  
4    a translation because the real meeting was in  
5    French.

6 Q. Got it. So it's a translation of  
7 the recording of the meeting?

8 THE WITNESS: Mmm-hmm.

13                           A.                   (Through the Interpreter) That's  
14    it, on advice.

15 Q. Okay. It was not because Almaty or  
16 BTA or Arcanum asked you to do that; correct?

17                   A.        No, I had no relations with them  
18    yet -- at that point.

19 Q. So you first encountered -- you  
20 first encountered the Kazak entities after these  
21 recordings?

22 A. Yes.

23 Q. Can you, please, turn to page 9 of  
24 that recording.

25 MR. WOLF: It's 9 of the

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2 transcript, not of the recording.

3 MR. HASSID: Thank you, 9 of the

4 transcript.

5 THE WITNESS: Mmm-hmm, oui.

6 BY MR. HASSID:

7 Q. Okay, if you look at the middle of  
8 the page there is a paragraph attributed to you.

9 THE WITNESS: Mmm-hmm.

10 Q. And in the paragraph it says: "If  
11 the question is can I figure out how to  
12 significantly reduce the price, do I know how to  
13 do that? The answer is yes, I know how." Do you  
14 see that? It is the last line of that middle  
15 paragraph.

16 THE WITNESS: Okay.

17 A. (Through the Interpreter) Yes.

18 Q. So you see it? Take a minute to  
19 read that paragraph just so you get some context.

20 THE WITNESS: Oui.

21 Q. So, in this paragraph you're  
22 talking about lowering the price that Triadou paid  
23 -- I am sorry, lowering the price that Chetrit  
24 paid to Triadou for its assignment of its Flatotel  
25 interest; correct?

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2 before Niel Infrastructure went into bankruptcy.

3 Q. If you look a little further down,

4 Mr. Bourg, it says "If they managed to have it  
5 declared bankrupt", do you see that? Let me know  
6 when you see it.

7 THE WITNESS: Mmm-hmm.

8 Q. "If they manage to have it  
9 declared bankrupt, that would be a disaster for me  
10 and Laurent Foucher. This is an active company  
11 that owns real assets which were not financed by  
12 Khrapunov and his sole objective is to take it  
13 away from us." Do you see that?

14 A. (Through the Interpreter) No, but  
15 that is for Niel Financial Services. If you read  
16 the sentence before, you will see that it's  
17 exclusively about NFS.

18 Q. Thank you for the clarification.

19 But with respect to Niel Finance and Services, it  
20 is your opinion that if that is declared bankrupt  
21 it would be a disaster for you and Mr. Foucher;  
22 correct?

23 A. Yes.

24 (Exhibit 26 was marked for identification)

25 Q. You can put that aside for now,

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2 sir. I apologise, Mr. Bourg, I am going to go  
3 backward with the short time I have left. Please,  
4 take a look at what is being handed to you as  
5 Exhibit 26. Do you recognise that e-mail?

6 A. Yes.

7 Q. That is an e-mail from you to  
8 Mr. Chetrit transmitting an invoice; correct.

9 THE WITNESS: Oui.

10 Q. Can you turn the page to the  
11 attachment?

12 A. Oui.

13 Q. So the invoice is dated July 5th  
14 2014. Do you recall sending this invoice?

15 A. (Through the Interpreter) Yes.

16 Q. What does the description?

17 "Honoraire operation New York" mean? I am sorry  
18 for my French, I know it's bad.

19 A. It means fees -- fees for the New  
20 York operation.

21 Q. Is that related to Flatotel?

22 A. I think we have already spoken  
23 about it. It is the invoice which I had to draw  
24 up for the intermediaries of Chetrit. I think he  
25 paid a very small part of that. So obviously this

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2 is part of the money I was claiming from Chetrit.

3 Q. But you -- did you receive a chunk  
4 of this money as well?

5 A. It was paid and I redistributed it  
6 to the intermediaries.

7 Q. All of it, because I believe you  
8 testified earlier that you received \$400,000 from  
9 Mr. Chetrit?

10 A. That's right.

11 MR. SKINNER: Can I just clarify.

12 Are you saying "Yes, all of it was distributed" or  
13 are you saying, "Yes, I received \$400,000"?

14 A. I received 400,000.

15 BY MR. HASSID:

16 Q. Did you distribute it to this  
17 account, here, that's at the bottom?

18 A. Yes.

19 (Exhibit 27 was marked for identification)

20 Q. I'm going to hand to you what is  
21 Exhibit 27, which are the amended cross-claims  
22 filed by Almaty and BTA. Have you seen these  
23 before?

24 A. No.

25 Q. Sorry, you have not seen this

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2 document before, sir?

3 A. No.

4 Q. In their amended cross-claims,

5 Almaty and BTA allege ----

6 MR. Wolf: Which page are you  
7 referring to?

8 MR. HASSID: Actually,  
9 unfortunately, it seems my copy is missing, so I'm  
10 sorry. Oh now i found it. I'm sorry. Paragraph  
11 13.

12 BY MR. HASSID:

13 Q. Are you there?

14 THE WITNESS: Mmm-hmm.

15 Q. If you look in paragraph 13:  
16 "Almaty and BTA allege" -- they are talking about  
17 Chetrit trying to double-cross his  
18 co-conspirators. It says: To achieve this  
19 result, Chetrit bribed Triadou's director to drive  
20 down the purchase price of the assignment."

21 A. (Through the Interpreter) Which  
22 witness is this? Can I know which witness is  
23 this?

24 Q. This is not a witness. Almaty and  
25 BTA, this is a litigation filing. This is Almaty

1  
2 and BTA's complaint in this case. They are  
3 alleging that this is what happened. My question  
4 to you is this allegation true, did Chetrit bribe  
5 you?

6 A. Well, it's an interpretation of  
7 Chetrit's proposal, but as I have already said  
8 there were a multitude of different business deals  
9 that Chetrit was involved in and when I was  
10 thanked for my role as director of Triadou, he  
11 proposed that we work together. This money, there  
12 was a question of money, but I don't think that  
13 this had any direct connection with the reduction  
14 in the price. But the best way of illustrating  
15 that is that I only -- I was not involved in these  
16 negotiations. Obviously, Chetrit wanted to pay  
17 less and Ilyas wanted the best price, but I wasn't  
18 a decider in this. So, they were the ones who  
19 decided. I was simply an intermediary.

20 Q. Can you turn to paragraph 117,  
21 which is on page 30. In the paragraph it says  
22 "Chetrit simultaneously proposed to bribe you" and  
23 later in the paragraph it says that the amount was  
24 \$3 million?

25 MR. WOLF: What paragraph are we

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2 on?

3 MR. HASSID: Paragraph 117.

4 BY MR. HASSID:

5 Q. Did Mr. Chetrit agree to pay you \$3  
6 million to lower the discount -- to lower the  
7 price for Triadou's assignment of it's ownership  
8 of the Flatotel interest? To be clear, Mr. Bourg,  
9 these are allegations, not proof. I am asking if  
10 these allegations, if you believe this is a true  
11 statement? That is all I want to know.

12 MR. WOLF: Without any further,  
13 please read what you want to read and then please  
14 answer his question.

15 A. I would just like to say that these  
16 allegations are not necessarily false, but it's  
17 impossible to agree to them, because I wasn't the  
18 person to decide. I was there simply on the spot  
19 to embark on negotiations, but I had no deciding  
20 power. You could do nothing in that respect  
21 without Ilyas Khrapunov's approval and signature.

22 MR. WOLF: Excuse me. (Pause for  
23 instructions). (Unclear)

24 BY MR. HASSID:

25 Q. Is there something you would like

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2 to clarify ----

3 A. Yes, I was not in a position to be  
4 bribed, because I had no deciding power about the  
5 price.

6 Q. Do you understand that Chetrit  
7 intended to pay you this money as a bribe?

8 A. Quite foreseeable, yes.

9 Q. Did you clarify for him that you  
10 did not have decision-making power?

11 A. Yes, I did not need to clarify.

12 Every time there was a proposal put on the table,  
13 I went, isolated myself in another office and  
14 asked for Ilyas Khrapunov's approval.

15 Q. Is 3 million -- is the \$3 million  
16 number in here accurate? Is that what Mr. Chetrit  
17 offered to pay you?

18 A. No, I don't remember \$3 million.

19 Q. Thank you, Mr. Bourg. I appreciate  
20 your time. To the extent that we have any left  
21 over, I'll reserve.

22 MR. SKINNER: Can I ask the  
23 videographer how long we have been on the record  
24 since the lunch break?

25 THE VIDEOGRAPHER: 36 minutes.

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2                   A.        I think at the time it was in  
3       another building. No, perhaps not yet at that  
4       time. He was in the office next door. On the  
5       same storey but next door.

6                   Q.        Next door meaning his office is on  
7       the same floor in the same building?

8                   A.        Yes.

9                   Q.        And am I not correct that at this  
10      point the business of SDG has been declining since  
11      the summer 2013?

12                  A.        I don't know about difficulties,  
13       but SDG was investing in very significant real  
14       estate projects at the time, very expensive ones,  
15       and they were beginning to feel the pinch, the  
16       difficulties in sort of funding it.

17                  Q.        At that time, in December of 2013,  
18       Ablyazov had been in prison for five or six  
19       months; right?

20                  A.        Yes.

21                  Q.        Had Ilyas told you that, "We are  
22       going to have to dispose of all of our assets" at  
23       that point?

24                  A.        No, I did not intervene and stick  
25       my nose in the SDG business in Switzerland. That

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2 was not my role.

3 Q. I am asking you if the funding of  
4 the various companies had not begun to be very  
5 difficult?

6 MR. SKINNER: Mr. Kenney, could you  
7 give us the date that we are talking about.

8 MR. KENNEY: I have given you a  
9 date.

10 MR. SKINNER: I am asking for my  
11 sake.

12 MR. KENNEY: Sure, 2013, late,  
13 December, moving into 2014.

14 A. Yes.

15 BY MR. KENNEY:

16 Q. You did have something to do with  
17 Triadou, didn't you?

18 A. Yes, yes.

19 Q. In fact, you were the only person  
20 really who was an officer of Triadou, or a  
21 director?

22 A. Yes.

23 Q. And am I not correct that between  
24 July and December of 2013 Triadou began to have  
25 financial difficulties?

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2 MR. SKINNER: Objection.

3 A. No, not as far as I know.

4 BY MR. KENNEY:

5 Q. Am I correct that your relationship  
6 with Ilyas deteriorated in 2013 and become very  
7 bad in 2014?

8 MR. SKINNER: Objection.

9 A. Yes, I think it began in 2013.

10 Just one moment. No, you know, my relationship  
11 with Ilyas was still very good at the end of 2013,  
12 in fact. My relations with Ilyas started to  
13 deteriorate significantly when I received the  
14 letter, the firing letter as director of Triadou,  
15 which, unless I am mistaken, was in November 2014.  
16 Whereas, in my opinion at least, I enjoyed good  
17 relations with Ilyas Khrapunov.

18 BY MR. KENNEY:

19 Q. So you think your relationship was  
20 pretty good, or really good, at the end of 2013?

21 MR. SKINNER: Objection.

22 A. I can't really, you know, say  
23 anything about interpreting good or very good.  
24 All I would say is that they were good.

25 BY MR. KENNEY:

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2 the future, are you going to get something new in  
3 the future if BTA Bank recovers?

4 MR. HASSID: Objection.

5 A. No.

6 MR. KENNEY: I join the objection.

7 BY MR. SKINNER:

8 Q. So there is no new benefit to you  
9 in the future; it is an agreement as to how an  
10 asset is going to be distributed that you already  
11 own?

12 MR. HASSID: Objection.

13 MR. KENNEY: Objection.

14 A. That is correct.

15 BY MR. SKINNER:

16 Q. Mr. Bourg, I am going to show you a  
17 document that we have marked as Bourg Exhibit 29.  
18 Can I ask you to take a moment just to look at it.  
19 Let me direct your attention to the second page,  
20 the back side of this two-sided document?

21 (Exhibit 29 was marked for identification)

22 A. Yes.

23 Q. We have discussed Triadou quite a  
24 bit over the last two days; correct?

25 A. Yes.

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2 Q. Can I ask you to tell us where  
3 Triadou's name came from?

4 MR. HASSID: I am just going to  
5 lodge an objection to this line of questioning.

6 Where Triadou's name came from is not reasonably  
7 within the scope of what was discussed.

8 MR. SKINNER: I asked you to  
9 just ----

10 MR. HASSID: I did, but that one is  
11 a special kind of objection, so that is why I said  
12 that, but go for it.

13 A. Triadou comes from the name of a  
14 property in the South of France, though to be more  
15 precise St Tropez, which was owned previously by  
16 Mr. Cyril Dennis.

17 BY MR. SKINNER:

18 Q. And who is Mr. Cyril Dennis?

19 A. He is somebody who is very active  
20 in the real estate market and who is of British or  
21 English origin.

22 Q. The e-mail that is on the back page  
23 of Bourg Exhibit 29, is this an e-mail exchange  
24 between yourself and Mr. Dennis as well as some  
25 other people?

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2 MR. HASSID: Objection.

3 A. Yes.

4 BY MR. SKINNER:

5 Q. Who wrote this e-mail?

6 THE WITNESS: Mr. Dennis did.

7 MR. SKINNER: And were you talking  
8 to Mr. Dennis about Triadou in July of 2012?

9 A. (Through the Interpreter) Yes.

10 MR. HASSID: Objection. It was a  
11 prior, I got it in late.

12 MR. SKINNER: You are objecting to  
13 the previous question?

14 MR. HASSID: Yes, sorry.

15 BY MR. SKINNER:

16 Q. Do you see in the e-mail where it  
17 says: "From the past experience I had in dealing  
18 with Elyas and his father in law, it was a  
19 complete waste of time"?

20 A. Yes.

21 Q. What is your understanding of what  
22 Mr. Dennis was referring to?

23 MR. HASSID: Objection.

24 MR. KENNEY: Objection.

25 A. That he tried to do a deal with

1

2 Ilyas Khrapunov and his father and it did not work  
3 and, therefore, the relationship was not good.

4 BY MR. SKINNER:

5 Q. Were you trying to do a deal on  
6 behalf of SDG or Triadou in July of 2012?

7 MR. HASSID: Objection.

8 A. Yes.

9 BY MR. SKINNER:

10 Q. What deal was that?

11 A. The purchase of the premises that  
12 I have just mentioned.

13 Q. Which premises?

14 A. Well, I said premises, but it is  
15 grounds, or land, which belong to Mr. Dennis.

16 Q. Who was to purchase this property  
17 in St Tropez?

18 MR. HASSID: Objection.

19 A. Triadou company in Luxembourg.

20 BY MR. SKINNER:

21 Q. At this point in time, on July 25th  
22 of 2012, you were the sole director of Triadou; is  
23 that right?

24 MR. HASSID: Objection.

25 A. No, I was not.

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2 Q. In the letter, no reason is given  
3 for your termination, other than a reference to  
4 exchanges with the undersigned on 10th November;  
5 correct?

6 MR. HASSID: Object to the form of  
7 the question.

8 A. (Through the Interpreter) Yes,  
9 correct.

10 BY MR. SKINNER:

11 Q. What exchanges did you have with  
12 the undersigned, Philip Glatz, on 10 November  
13 2014, if you recall?

14 A. I don't know whether, when it says  
15 "undersigned", whether it is Glatz or SDG, but  
16 I remember the conversation I had on 10th  
17 November. I think a payment was due to Triadou  
18 company, and I had asked that part of the moneys  
19 should be set aside for the payment of the lawyers  
20 and the other people who were working for Triadou  
21 and Aragon, the Triadou and Aragon projects.

22 Q. What happened as a result of you  
23 asking for that?

24 MR. HASSID: Objection.

25 A. They said they did not want to, so

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2       they dismissed me as a result of that, because  
3       they were frightened I would take the action into  
4       my own hands.

5           Q.       When you say "they", who are you  
6       referring to?

7           MR. HASSID: Objection.

8           A.       I think, as I have always said, the  
9       boss in all this, who was Ilyas Khrapunov.

10      BY MR. SKINNER:

11       Q.       One second. When you testified a  
12      moment ago -- bear with me, when you testified a  
13      moment ago that you think you were sacked of your  
14      position with regard to honouring the payment of  
15      the people who were working for you, is that what  
16      you were referring to?

17           MR. HASSID: Object to the form.

18       A.       Yes.

19      BY MR. SKINNER:

20       Q.       Let me show you what we have marked  
21      as Bourg exhibit 30. Let me draw your attention  
22      to the -- what appears to be the middle e-mail on  
23      the first page, the one that starts, "Dear Petr"  
24      -- P-E-T-R. Do you see that?

25           (Exhibit 30 was marked for identification)

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2 THE WITNESS: Oui.

3 Q. Is that an e-mail that you sent?

4 A. (Through the Interpreter) Yes.

5 Q. What date did you send this?

6 A. 29th October 2014.

7 Q. Why did you send this e-mail?

8                   A.        For what I have just said, to pay  
9 the people who were employed on the US projects.

10 Q. Why did you say: "Being the sole  
11 director of the US company hence responsible for  
12 its debt and payment"?

13                   A.        Because the company was indebted to  
14   these people and I was the only one who was  
15   responsible for reimbursing them.

22 Q. What projects had the work been  
23 done for?

24 MR. HASSID: Objection.

25 A. Well, in terms of the lawyers, it

1  
2      was for all the American projects, and there was a  
3      lot of work to do there, in as much it was a  
4      question of drawing up contracts of sale to -- for  
5      Flatotel and Cabrini to Chetrit.

6 MR. HASSID: I will just caution  
7 the witness not to discuss what the lawyers told  
8 you. Can you translate that.

9 BY MR. SKINNER:

10 Q. Are you finished with your answer,  
11 Mr. Bourq?

12                   A.        There were the lawyers -- no,  
13   I have finished.

14 Q. Was the work that was done on these  
15 various projects, was that reflected in the  
16 spreadsheet that was referenced, that had been  
17 sent by Kevin?

18 MR. HASSID: Objection.

19 A. Yes.

20 BY MR. SKINNER:

21 Q. What did you understand Mr. Petr  
22 Krasnov's response to mean?

23                   A.        He was asking for information not  
24 to be kicked out subsequently ----

25 O. When you -- focusing again on the

1

2 middle e-mail that you send ----

3 A. -- sacked.

4 Q. When you say next tranche --

5 withdrawn. Do you see, focusing again on the

6 middle e-mail you sent, do you see the subject

7 line says: "Re documents for next tranche from

8 Chetrit." What did you mean by that?

9 A. This was a request from Petr  
10 Krasnov.

11 Q. So that was his original subject  
12 line, you are saying?

13 A. Yes.

14 Q. In your e-mail, where you say you  
15 insist to split the amount in two, what amount are  
16 you referring to?

17 A. The next tranche from Chetrit.

18 Q. Am I correct that you feel you were  
19 terminated because of the position that you took  
20 in this e-mail?

21 MR. HASSID: Objection.

22 MR. KENNEY: Objection as to form.

23 A. Yes, and I obtained confirmation of  
24 that by telephone.

25 BY MR. SKINNER:

1

2 Q. Who gave you that confirmation?

3 A. Ilyas Khrapunov.

4 Q. And what specifically do you recall  
5 did Mr. Khrapunov say?

6 A. He said, "Don't worry, it is not  
7 serious, but Philip Glatz was frightened, SDG as  
8 well, and that is why they did it".

9 MR. HASSID: Can I clarify the  
10 interpreter's response said, "I said, 'don't  
11 worry'". Can we ask the witness whether he said  
12 "Don't worry" or Mr. Khrapunov said "don't worry."

13 THE INTERPRETER: No, Mr. Khrapunov  
14 said, "don't worry".

15 BY MR. SKINNER:

16 Q. Okay. Mr. Bourg, let me direct  
17 your attention to the attempted transfer of funds  
18 from the FBME bank that we have spoken about a few  
19 times.

20 A. (Through the Interpreter) Yes.

21 Q. Did there come a time when FBME  
22 tried to send funds to Triadou's Luxembourg  
23 accounts?

24 MR. HASSID: Objection.

25 A. Yes.

1

2 A. It was in the public domain.

3 Q. I believe you testified -- and of  
4 course the transcript will speak for itself but  
5 just to link this to a specific portion of  
6 cross-examination -- I believe you testified in  
7 cross-examination that SDG's banks did not want to  
8 work with SDG any longer, because they believed  
9 that -- because they believed that Mr. Ablyazov  
10 was involved with the company and Mr. Ablyazov had  
11 criminal problems?

12 MR. HASSID: Objection.

13 BY MR. SKINNER:

14 Q. Is that accurate?

15 MR. KENNEY: Objection.

16 THE WITNESS: Oui.

17 THE INTERPRETER: It is, yes.

18 BY MR. SKINNER:

19 Q. To clarify, is the statement itself  
20 accurate, as opposed to what you might have  
21 testified to prior in this deposition?

22 MR. HASSID: Objection.

23 A. (Through the Interpreter) Yes.

24 BY MR. SKINNER:

25 Q. Do you know whether SDG's banks

1

2 knew of the other countries that were pursuing him  
3 criminally prior to July 2013?

4 MR. HASSID: Objection.

5 A. No, but as I said I think it is --  
6 it was in the public domain anyway.

7 BY MR. SKINNER:

8 Q. You testified quite a bit about  
9 declarations that you have executed prior to this  
10 litigation, and specifically declarations that you  
11 executed in -- well, let's just use the actual  
12 exhibits. Let me just draw your attention to --  
13 Alex, do you know the exhibit numbers for the May  
14 declarations and the March one?

15 MR. HASSID: The March one, no, but  
16 the May one is Exhibit 9.

17 BY MR. SKINNER:

18 Q. Exhibit 9. Can you look at  
19 Exhibit 8 then?

20 MR. HASSID: I think it came after  
21 this.

22 BY MR. SKINNER:

23 Q. So 10 then, look at 9 and 10. Let  
24 us look at 9, 10, 12 and 13. Are these all  
25 declarations that you prepared in this case?

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2 CERTIFICATE OF COURT REPORTER

3

4 I, Paula Foley, Accredited Court Reporter,

5 do hereby certify that I took the Stenograph notes

6 of the foregoing deposition, and that the

7 transcript thereof is a true and accurate record

8 transcribed to the best of my skill and ability.

9 I further certify that I am neither

10 counsel for, related to, nor employed by any of

11 the parties to the action in which the deposition

12 was taken, and that I am not a relative or

13 employee of any attorney or counsel employed by

14 the parties hereto, nor financially or otherwise

15 interested in the outcome of the action.

16



22

.....

23

PAULA FOLEY

24

25 Dated this ..... day of ..... 2017